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United States Senate

CHARLES E. GRASSLEY

WASHINGTON, DC 20510-1501

June 29, 2012

The Honorable Arne Duncan
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202

Dear Secretary Duncan,

The recent letter to the Director of the Iowa Department of Education signed by your Assistant Secretary for Elementary and Secondary Education denying the State of Iowa's request for a waiver from certain federal requirements raises some serious concerns. This letter makes clear that the denial is based on the fact that the Iowa Department of Education does not have the authority to implement a "teacher and leader evaluation and support system" that contains six specific components. Section 9401 of the Elementary and Secondary Education Act provides that states or school districts can apply to waive certain requirements of that law and sets out the required components for such a waiver request. Nowhere in this section, or anywhere else in federal law, is there a requirement for states to develop a "teacher and leader evaluation and support system" and nowhere in the law is the Secretary of Education granted the authority to require the implementation of new policies that are not in existing law.

As you know, the Iowa Department of Education lacks the authority to implement such a system because the Iowa Legislature considered the matter and declined to grant that authority. As a federal elected official, it is not my place to say whether or not that was the right decision. I admire Governor Branstad's commitment to education reform, but the details of what specific reforms are right for Iowa is a matter between the Governor of Iowa, the Iowa Legislature, and the people of Iowa. It is certainly not the place of the U.S. Secretary of Education to condition relief of certain federal requirements on the adoption of a whole new federal policy agenda that has never passed Congress and therefore lacks democratic legitimacy.

It is important to recognize that real innovation and reform cannot be imposed from the top down, but must come from the ground up. What works in one state or community may not work in another. If we have learned any lesson from the No Child Left Behind Act, it is that, in our vast and diverse nation, one size does not fit all. Therefore, I ask that you invite states to submit waiver requests that are entirely locally designed and that you establish an objective process to review such waiver requests that evaluates them on their merits, free from any specific federal policy agenda that has not been enacted by Congress.

Sincerely,



Charles E. Grassley
United States Senator

RANKING MEMBER,
JUDICIARY

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INTERNATIONAL NARCOTICS
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